

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 4:17 CR 52 HEA (JMB)</b>
	)	
<b>MATTHEW BURKETT,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER CONTINUING PRETRIAL RELEASE**

Matthew Burkett, the defendant herein, is charged with wire fraud in violation of 18 U.S.C. § 1343. Broadly, Burkett is charged with fraud in connection with gun sales that occurred in 2012. Burkett, who resides in Arizona, was arrested on April 25, 2017, in the District of Arizona. Burkett was released on his personal recognizance and ordered to appear to appear before the undersigned, in the Eastern District of Missouri, on May 11, 2017. Burkett appeared as directed and was formally arraigned on the charge. The undersigned adopted the conditions of release imposed in the District of Arizona and issued an order modifying the conditions, which directed that Defendant reside at 1536 s. River Drive, Tempe, Arizona.

After Burkett's arraignment, the Court received a violation report (ECF No. 15), dated May 15, 2017, indicating that Burkett had tested positive for methamphetamine and amphetamine in April 2017. No adverse action was recommended. On May 19, 2017, the undersigned received additional information that Burkett had tested positive for

methamphetamine on May 9, 2017, and again on May 17, 2017. The undersigned also was advised that Burkett was residing at the residence required and that he was working at his gun store, but purported only on scope mounts and parts. As a result, the undersigned issued a warrant for Burkett. (ECF No. 18) Burkett was arrested in Arizona, detained and transferred to this District.

Burkett appeared on the pretrial release violation in this District on June 12, 2017. The undersigned set a bond revocation hearing for June 15, 2017. (ECF No. 25) The hearing was continued at Burkett's request so that he could investigate the allegations and options. After additional continuances at Burkett's request, the undersigned held a hearing on July 19, 2017. At the hearing the parties proceeded by proffer. The undersigned indicated an inclination to continue Burkett on release but he could not be at his gun store and must live at a viable, dependable, and reliable address. Burkett proffered that he could live with his parents, but they were not currently home. The undersigned was also advised that Burkett's gun store is now closed. The government opposed Burkett's continued release.

The undersigned took the matter under advisement and requested to be notified if and when Pretrial Services could confirm that Burkett could, in fact, reside with his parents in Arizona, and that the parents' home was suitable. On August 10, 2017, the undersigned was advised that Burkett could live with his parents and that the home is suitable, including the removal of any firearms.<sup>1</sup>

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<sup>1</sup> Burkett has no history of violence. Nonetheless, all parties concur that he is an accomplished marksman. The Court is concerned about firearms given Burkett's use of methamphetamine. It should be noted that Burkett's last positive methamphetamine test was at a very low level. Further, Burkett has been detained for a considerable

After hearing argument from all parties, and considering the position of Pretrial Services and the new information regarding a viable home plan for Defendant, the undersigned concludes that Burkett's pretrial release should be continued. The undersigned finds by clear and convincing evidence that Defendant violated his conditions of release. At a minimum, he was not living where he knew he was supposed to live. The undersigned also finds, however, that there remains a combination of conditions that will reasonably assure the safety of the community and his appearance.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant Matthew Burkett's pretrial release in this matter is to be continued.

**IT IS FURTHER ORDERED** that Defendant's conditions of release be modified to include a requirement that he reside at his parents' home at 8519 E. Angus, Scottsdale, Arizona 85254 with location monitoring as directed by the Pretrial Services Office.

**IT IS FURTHER ORDERED** that all other conditions of release imposed in this matter shall remain in full force and effect.

/s/ John M. Bodenhausen  
JOHN M. BODENHAUSEN  
UNITED STATES MAGISTRATE JUDGE

Dated this 11th day of August, 2017.

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amount of time, thus improving the chances that drug testing and counseling will ensure he remains drug free.